

REMARKS

A new drawing sheet containing new Fig. 10 has been added to the drawings and the specification has been amended to include a Brief Description for this new figure.

It is respectfully submitted that new Fig. 10 is not prohibited new matter, because the figure better clarifies that which was disclosed and/or makes explicit that which was inherent in the original disclosure.

In this regard, new Fig. 10 is a schematic diagram depicting a method for analyzing an organelle-localized protein of the present invention as exemplified and disclosed in the specification. Specifically, new Fig. 10 depicts the expression of the MTS-EGFPn-DnaEn fusion peptide in mitochondria as disclosed in the specification. The structural or operational elements in Fig. 10 were disclosed or implicit in the in the original disclosure.

Support for the fusion protein composed of the N-terminal half peptide of EGFPn and the N-terminal half peptide of DnaEn bound with a mitochondrial targeting signal peptide (MTS) can be found in the specification, for example, at page 8, line 28 to page 9, line 1 (Fig. 6) and at page 15, lines 5-10.

Support for the expression of the fusion protein in mitochondria can be found in the specification, for example, at page 18, lines 8-9, a stable cell line expressing the protein in mitochondria (BNL1MEmito) is disclosed. See also Fig. 6. Fig. 7 provides evidence of BNL1MEmito cells harboring the reconstructed EGFP protein. See also, page 9, lines 7-15.

Support for the carboxyl-terminal half of EGFP and DnaEc can be found in the specification, for example, at page 15, lines 13-16.

In view of the above, it is clear that Fig. 10 is not prohibited new matter, because it merely depicts the structural or operational elements disclosed or implicit in the in the original disclosure.

Also, Fig. 10 is not being added to correct a fundamental defect in the original disclosure. In other words, it is not being relied upon to provide the sole written description support of, or to

enable, claimed subject matter. Again, the elements of Fig. 10 are disclosed throughout the original specification.

Therefore, in view of the adequacy of the original disclosure, Fig. 10 does not constitute prohibited new matter. See M.P.E.P § 608.04(a).

Favorable action on the merits is respectfully solicited.

Respectfully submitted,

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October 7, 2004

ATTACHMENT TO PRELIMINARY AMENDMENT:

1. Fig. 10